

Introduced by

Legislative Management

1 A BILL for an Act to reenact portions of Senate Bill No. 2015, as approved by the sixty-eighth
2 legislative assembly, to provide an appropriation to the legislative assembly for the payment of
3 dues and the legislative council for the payment of fees and employer retirement contributions;
4 to amend and reenact section 24-02-37.3 of the North Dakota Century Code, as amended by
5 section 10 of House Bill No. 1012, as approved by the sixty-eighth legislative assembly, relating
6 to budget section approval limits for the flexible transportation fund; to provide for a legislative
7 management study; to provide for a legislative management report; to provide for retroactive
8 application, and to provide an effective date.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1. REENACTMENT.** The portion of Senate Bill No. 2015, as approved by the
11 sixty-eighth legislative assembly, and published in part in section 4 of chapter 47 of the 2023
12 Session Laws, is reenacted as follows:

13 **SECTION 4. APPROPRIATION - 2021-23 BIENNIUM - LEGISLATIVE**

14 **ASSEMBLY.** There is appropriated out of any moneys in the general fund in the state
15 treasury, not otherwise appropriated, the sum of \$5,000, or so much of the sum as
16 may be necessary, to the legislative assembly for international legislators' forum dues
17 for the period beginning with the effective date of this section, and ending June 30,
18 2023.

19 **SECTION 2. REENACTMENT.** The portion of Senate Bill No. 2015, as approved by the
20 sixty-eighth legislative assembly, and published in part in section 6 of chapter 47 of the 2023
21 Session Laws, is reenacted as follows:

22 **SECTION 6. APPROPRIATION - LEGISLATIVE COUNCIL - REPORT -**

23 **ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in
24 the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the

sum as may be necessary, to the legislative council for the purpose of contracting for a performance audit of the state auditor and for other consulting services of interim committees, for the biennium beginning July 1, 2023, and ending June 30, 2025. The chairman of the legislative management shall arrange for the audit and receive the audit report. The performance audit must address the efficiency and effectiveness of the state auditor's office relative to industry best practices. The performance audit must include a review of the appropriateness of the number of hours to complete audits; methods used to monitor staff time and allocate hours charged to audits; billing processes; quality assurance processes; the adequacy and timeliness of communications with audited entities, governing boards, and the public; and other areas as determined by the chairman of the legislative management. The funding provided in this section is considered a one-time funding item.

SECTION 3. REENACTMENT. The portion of Senate Bill No. 2015, as approved by the sixty-eighth legislative assembly, and published in section 9 of chapter 47 of the 2023 Session Laws, is reenacted as follows:

SECTION 9. APPROPRIATION - LEGISLATIVE COUNCIL - EMPLOYER RETIREMENT CONTRIBUTION FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$58,283, or so much of the sum as may be necessary, to the legislative council for the purpose of providing funding for the cost of the one percent employer retirement contribution increase included in House Bill No. 1040, as approved by the sixty-eighth legislative assembly, for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 4. REENACTMENT. The portion of Senate Bill No. 2015, as approved by the sixty-eighth legislative assembly, and published in section 31 of chapter 47 of the 2023 Session Laws, is reenacted as follows:

SECTION 31. AMENDMENT. Section 24-02-37.3 of the North Dakota Century Code, as amended by section 10 of House Bill No. 1012, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

SECTION 10. AMENDMENT. Section 24-02-37.3 of the North Dakota Century Code, as created by section 1 of Senate Bill No. 2113, as approved

by the sixty-eighth legislative assembly, is amended and reenacted as follows:

**24-02-37.3. Flexible transportation fund - Budget section
approval - Report.**

There is created in the state treasury the flexible transportation fund. The fund consists of eligible federal or state funding and any contributed private funds.

1. The flexible transportation fund must be administered and expended by the director and may be used for the following:
 - a. Providing a match for federal funding obtained by the department of transportation.
 - b. State-funded road and bridge construction and maintenance, and transportation support costs including staffing, facilities, and operational expenditures on the state highway system.
 - c. State-funded road and bridge construction and maintenance activities within the state but off of the state highway system. The director shall establish the terms and provisions of the program.
2. All money derived from the investment of the flexible transportation fund or any portion of the fund, must be credited to the flexible transportation fund. The director shall monthly transmit all moneys collected and received under this chapter to the state treasurer to be transferred and credited to the flexible transportation fund.
3. The director must receive budget section approval for any project that utilizes more than ten million dollars from the fund except for projects that match federal or private funds and the amount utilized from the fund is fifty percent or less of total project costs. Any request considered by the budget section must comply with section 54-35-02.9.
4. The director shall allocate at least twenty-five percent of motor vehicle excise tax collections deposited in the flexible transportation fund

pursuant to section 57-40.3-10 for non-oil-producing county and township road and bridge projects as follows:

- a. The funds must be allocated by the department to counties for projects or grants for the benefit of counties and organized and unorganized townships;
- b. The department shall establish criteria to distribute the funds;
- c. The funds must be used for the maintenance and improvement of county and township paved and unpaved roads and bridges;
- d. Priority must be given to projects that match federal funds and to projects that improve roadways that serve as local corridors;
- e. An organized township is not eligible to receive funding if the township does not maintain any roadways or does not levy at least eighteen mills for general purposes; and
- f. For purposes of this subsection, "non-oil-producing county" means a county that received no allocation of funding or a total allocation of less than five million dollars under subsection 2 of section 57-51-15 in the most recently completed even-numbered fiscal year before the start of each biennium.

5. The director shall provide periodic reports to the budget section regarding the status of the fund and projects receiving allocations from the fund.

SECTION 5. REENACTMENT. The portion of Senate Bill No. 2015, as approved by the sixty-eighth legislative assembly, and published in section 62 of chapter 47 of the 2023 Session Laws, is reenacted as follows:

SECTION 62. LEGACY FUND EARNINGS - REPORT TO LEGISLATIVE MANAGEMENT. Each biennium, the state retirement and investment office shall provide a report including the amount of legacy fund earnings above the percent of market value that would have been transferred to the legacy earnings fund had Senate Bill No. 2330 not been passed by the sixty-eighth legislative assembly to the legislative management.

1 **SECTION 6. REENACTMENT.** The portion of Senate Bill No. 2015, as approved by the
2 sixty-eighth legislative assembly, and published in section 63 of chapter 47 of the 2023 Session
3 Laws, is reenacted as follows:

4 **SECTION 63. LEGISLATIVE MANAGEMENT STUDY - STATE FIRE AND**
5 **TORNADO FUND AND STATE BONDING FUND ADMINISTRATION.** During the
6 2023-24 interim, the legislative management shall consider studying, in collaboration
7 with the insurance commissioner and the director of the office of management and
8 budget, the feasibility and desirability of changing administration of the state fire and
9 tornado fund and state bonding fund from the insurance commissioner to the director
10 of the office of management and budget. The study must include an analysis of the
11 statutory changes necessary to accomplish the change in administration and other
12 statutory changes necessary to facilitate the office of management and budget's
13 administration of these funds. The legislative management shall report its findings and
14 recommendations, together with any legislation required to implement the
15 recommendations, to the sixty-ninth legislative assembly.

16 **SECTION 7. REENACTMENT.** The portion of Senate Bill No. 2015, as approved by the
17 sixty-eighth legislative assembly, and published in section 64 of chapter 47 of the 2023 Session
18 Laws, is reenacted as follows:

19 **SECTION 64. LEGISLATIVE MANAGEMENT STUDY - MANAGEMENT AND**
20 **MAINTENANCE OF STATE FACILITIES.**

- 21 1. During the 2023-24 interim, the legislative management shall consider studying
22 the policies and procedures of state agencies, excluding institutions under the
23 control of the state board of higher education, for managing, maintaining, and
24 leasing state facilities.
- 25 2. The study must include consideration of:
 - 26 a. The most efficient and cost-effective organizational structure for managing,
27 maintaining, and leasing state facilities, including a comparison of allocating
28 funding and full-time equivalent positions to various agencies and
29 centralizing funding and full-time equivalent positions under one agency.
 - 30 b. The costs and benefits of leasing or owning state facilities.

1 c. The appropriate use of contracts for service and full-time equivalent
2 positions for custodial services, mechanical services, snow removal, lawn
3 care, and maintenance.

4 3. The legislative management shall report its findings and recommendations,
5 together with any legislation required to implement the recommendations, to the
6 sixty-ninth legislative assembly.

7 **SECTION 8. REENACTMENT.** The portion of Senate Bill No. 2015, as approved by the
8 sixty-eighth legislative assembly, and published in section 65 of chapter 47 of the 2023 Session
9 Laws, is reenacted as follows:

10 **SECTION 65. LEGISLATIVE MANAGEMENT STUDY - GUARDIANSHIP**

11 **PROGRAMS.** During the 2023-24 interim, the legislative management shall study the
12 state's guardianship programs. The study must include consideration of the existing
13 structure for the programs under the office of management and budget, judicial
14 branch, and department of health and human services; the feasibility of consolidating
15 the programs under one agency; and an appropriate level of funding for the programs.
16 The legislative management shall report its findings and recommendations, together
17 with any legislation required to implement the recommendations, to the sixty-ninth
18 legislative assembly.

19 **SECTION 9. RETROACTIVE APPLICATION.** Section 1 of this Act applies retroactively to
20 May 10, 2023, and the remainder of this Act applies retroactively to July 1, 2023.

21 **SECTION 10. EFFECTIVE DATE.** This Act becomes effective immediately upon its filing
22 with the secretary of state.